

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GATEGUARD, INC.,

Plaintiff,

21-CV-9321 (JGK) (VF)

-against-

AMAZON.COM, INC. et al.,

Defendants.

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**ORDER**

**VALERIE FIGUEREDO, United States Magistrate Judge:**

Plaintiff's request to reopen fact discovery for the limited purpose identified at ECF No. 146 is **GRANTED**. Plaintiff has until **Friday, June 28, 2024** to produce the identified NDAs and proprietary design work identified in its letter and to supplement its responses to Interrogatories Nos. 1 and 7.

In addition, on February 10, 2024, Plaintiff moved for leave to file a second amended complaint. See ECF No. 115. In response to Plaintiff's motion, Amazon has argued that leave to amend should be denied because (1) Plaintiff has failed to specifically allege what trade secrets were copied; (2) Plaintiff has failed to plausibly allege substantial similarity between the two devices; and (3) Plaintiff has failed to plausibly allege sufficient access to Plaintiff's device to support an inference of copying. See ECF No. 129 at 21-25.

Plaintiff's brief does not directly respond to Amazon's arguments. See ECF No. 157 at 12-15. Plaintiff is directed to provide a supplemental letter brief specifically addressing each of Amazon's arguments as to why a trade secrets misappropriation claim, based on a copying theory, has not been adequately pled in the second amended complaint. Plaintiff should explain

why it has plausibly alleged each element of such a claim under both federal and state law.

Plaintiff is directed to file its letter brief by **Friday, June 28, 2024**.

**SO ORDERED.**

DATED: June 12, 2024



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VALERIE FIGUEREDO  
United States Magistrate Judge